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MICHIGAN HOUSE OF REPRESENTATIVES

MARTIN HOWRYLAK
STATE REPRESENTATIVE



MEMORANDUM

To: Senate Judiciary Committee Chair, Senator Rick Jones
And members of the Senate Judiciary Committee
From: Representative Martin Howrylak
Re: House Bill 4467
Date: May 19, 2015

Please accept this communication to the Senate Judiciary Committee on behalf of Representative Howrylak, member House Judiciary Committee.

Upon further consideration of House Bill 4467, I respectfully request that you delay your vote on this legislation by one full week.

Please take opportunity to review the following:

- With regard to the elimination of MDOC oversight from this statute, should on-site monitors from the sending state be required instead of "allowed" (page 3, line 5).
- Should we clarify that the private facility does not have the same level of immunity as MDOC under state statutes by amending the bill to state that the private vendor is civilly liable for damages resulting from management and operation and is not eligible for immunity under 1964 PA170, MCL 691.1401 .
- Should we be allowing the facility to operate for 24 months at full capacity without any accreditation or review? Can we change that to 12 months and not over 75% capacity without ACA accreditation?
- Should the State of Michigan or the Attorney General's Office have the ability to verify that the facility is in compliance with this statute or has ACA accreditation?
- Should we clarify that Michigan prisoners will not be held here without MDOC oversight? Will detainees from Michigan be co-mingled with out of state prisoners?
- If a facility can pass ACA accreditation without passing ACA staffing level requirements, should this be added as a separate requirement?
- Do we want to allow the medically fragile and youth under 18 from other states into this facility?
- Do we want to require that video visitation or ACA approved visitation policies be in place?
- Could the facility in Baldwin be sold to another company without review by the state of Michigan?